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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,175	03/31/2004	Minoru Kawahara	SON-2968	4461
23353 7590 01/20/2011 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER GUPTA, PARUL H	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 01/20/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/813,175

**Applicant(s)**

KAWAHARA, MINORU

**Examiner**

PARUL GUPTA

**Art Unit**

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3 and 16-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2,3 and 16-33 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-3 and 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako, PCT/JP02/07660 (published on 2/13/03), represented by US Patent Publication 2004/0027942 in view of Ten Kate, US Patent 5,541,902.

Regarding claim 2, Sako teaches the recording/reproducing device comprising: recording means for recording data on an information recording medium (paragraph 0026); readout means (23) for collectively reading out portions of said data that have already been recorded on said information recording medium in units of a predetermined amount of data; and transmission means (24 and 25) for transmitting said data read out by said readout means (paragraphs 0029 and 0030), wherein: said recording means substantially simultaneously records first data at a high bit rate and second data at a lower bit rate than that of said first data (paragraph 0028), both data corresponding to a same material, on said information recording medium (since the two sets of data only differ by quality as given in paragraph 0027, it is the same material); and said readout means (element 23 of figure 4) collectively reads out said second data recorded on said information recording medium in units of a predetermined amount of data. Sako does not but Ten Kate teaches reading back data while the recording by

said recording means is in progress ("simultaneous reading and rewriting operations" as given in column 2, line 62 to column 3, line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of simultaneous read and write as taught by Ten Kate in the system of Sako. The motivation would be to decrease the buffer memory needed (column 2, line 62 to column 3, line 5).

Regarding claim 3, Sako teaches the recording/reproducing device according to claim 2, wherein said recording means intermittently records said first data and said second data on a physically same track on said information recording medium (paragraph 0026).

Regarding claim 16, Sako teaches a recording/reproducing device comprising: a disc drive configured to record information onto an information recording medium while reading first and second data from said information recording medium, said information read from said information recording medium becoming said first and second data (paragraph 0028).

Regarding claim 17, Sako teaches the recording/reproducing device according to claim 16, wherein said information recording medium is an optical disc (paragraph 0026).

Regarding claim 18, Sako teaches the recording/reproducing device according to claim 16, wherein a signal is encoded into high bit-rate encoded data and low bit-rate

encoded data, said high and low bit-rate encoded data becoming said information (paragraph 0028).

Regarding claim 19, Sako teaches the recording/reproducing device according to claim 18. Sako does not but Ten Kate the device wherein said low bit-rate encoded data is transmitted while recording said information onto said information recording medium ("simultaneous reading and rewriting operations" as given in column 2, line 62 to column 3, line 5).

Regarding claim 20, Sako teaches the recording/reproducing device according to claim 18, wherein said low bit-rate encoded data is compared with said second data, said low bit-rate encoded data being recorded onto said information recording medium if said low bit-rate encoded data is not identical to said second data (paragraph 0027 explains how all material is recorded in a similar way, meaning that it would be obvious for this to occur even if the data is different).

Regarding claim 21, Sako teaches the recording/reproducing device according to claim 20, wherein said disc drive includes a pickup, a location of said pickup being moved if said low bit-rate encoded data is not identical to said second data (paragraph 0029).

Regarding claim 22, Sako teaches the recording/reproducing device according to claim 18, wherein said high bit-rate encoded data and said low bit-rate encoded data are intermittently recorded along a same track of said information recording medium (paragraph 0026).

Regarding claim 23, Sako teaches the recording/reproducing device according to claim 18, wherein a bit rate of said low bit-rate encoded data is lower than a bit rate of said high bit-rate encoded data (paragraph 0028).

Regarding claim 24, Sako teaches the recording/reproducing device according to claim 16, wherein a bit rate of said second data is lower than a bit rate of said first data (paragraph 0028).

Regarding claim 25, Sako teaches a recording/reproducing method comprising: recording information onto an information recording medium while reading first and second data from said information recording medium, said information read from said information recording medium becoming said first and second data (paragraph 0028).

Regarding claim 26, Sako teaches the recording/reproducing method according to claim 25, further comprising: encoding a signal into high bit-rate encoded data and low bit-rate encoded data, said high and low bit-rate encoded data becoming said information (paragraph 0028).

Regarding claim 27, Sako teaches the recording/reproducing method according to claim 26. Sako does not but Ten Kate teaches the device further comprising: transmitting said low bit-rate encoded data while recording said information onto said information recording medium ("simultaneous reading and rewriting operations" as given in column 2, line 62 to column 3, line 5).

Regarding claim 28, Sako teaches the recording/reproducing method according to claim 26, further comprising: comparing said low bit-rate encoded data with said second data, and thereafter; recording said low bit-rate encoded data onto said

information recording medium if said low bit-rate encoded data is not identical to said second data (paragraph 0027 explains how all material is recorded in a similar way, meaning that it would be obvious for this to occur even if the data is different).

Regarding claim 29, Sako teaches the recording/reproducing method according to claim 28, further comprising: moving a location of a pickup being if said low bit-rate encoded data is not identical to said second data, said disc drive including said pickup (paragraph 0029).

Regarding claim 30, Sako teaches the recording/reproducing method according to claim 26, wherein said high bit-rate encoded data and said low bit-rate encoded data are intermittently recorded along a same track of said information recording medium (paragraph 0026).

Regarding claim 31, Sako teaches the recording/reproducing method according to claim 26, wherein a bit rate of said low bit-rate encoded data is lower than a bit rate of said high bit-rate encoded data (paragraph 0028).

Regarding claim 32, Sako teaches the recording/reproducing method according to claim 25, wherein a bit rate of said second data is lower than a bit rate of said first data (paragraph 0028).

Regarding claim 33, Sako teaches a computer program product embodied in a tangible non-transitory computer readable medium, the computer program product being configured to perform the method of claim 25 (inherent to method given in paragraph 0026).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PARUL GUPTA whose telephone number is (571)272-5260. The examiner can normally be reached on Monday through Thursday, from 10 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-40904090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/

Supervisory Patent Examiner, Art  
Unit 2627

/Parul Gupta/

Examiner, Art Unit 2627